

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA )  
                                  )  
vs.                            )  
                                  )  
CHRISTOPHER KELLY         )

CR. NO. 19-CR-250-02-PB

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**MOTION IN LIMINE  
TO PRECLUDE TESTIMONY FROM WITNESSES  
REGARDING UNCHARGED DRUG DISTRIBUTION**

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NOW COMES the defendant, CHRISTOPHER KELLY, and, by and through his counsel, Patrick J. Richard, moves this Honorable Court, pursuant to Federal Rule of Criminal Procedure 12(b) and Federal Rule of Evidence 401 and 403, to preclude the testimony from witnesses regarding distribution of alleged “fentanyl”.

As grounds therefore it is stated that:

1. The defendant has been provided discovery indicating that witnesses who are alleged to know the defendant will testify in this matter;
2. Said witnesses are expected to testify that the defendant distributed “fentanyl” at various times;
3. Such information does not tend to prove, nor disprove, any allegation in any count of the indictment against the defendant which alleges a conspiracy to distribute and possess with the intent to distribute “methamphetamine” and possession of a firearm and ammunition by a felon;
4. Such information carries the potential for prejudice or confusion and misleading of the issues ; and
5. No legal memorandum accompanies this motion as the relief requested and reasons therefore are fully set out herein.

WHEREFORE, the Defendant requests this Court:

- A. Allow this motion to Preclude Testimony;
- B. Such other relief as the Court deems just and equitable.

Respectfully submitted  
CHRISTOPHER KELLY  
by his attorney,

/s/ Patrick J. Richard

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CERTIFICATION

I certify that a copy of the within Motion In Limine has been served upon all registered parties by ECF on February 22, 2021.

/s/ Patrick J. Richard  
Patrick J. Richard